

REMARKS

Claims 23-43 remain pending herein. Claims 23-43 remain pending herein.

Independent claims 23 and 43 have been amended to clarify aspects of the present convention, namely that the superconductive article includes a substrate and a superconductive layer, the superconductive layer being comprised of a plurality of individually identifiable superconductive films that are disposed one atop another and in direct contact with each other. In the several rejections relying upon Bhargava et al., the PTO relies upon this reference for alleged disclosure of a superconductive layer comprised of a plurality of superconductive films. However, it is quite clear that a proper reading of Bhargava et al. reveals that this reference indeed does not disclose, suggest or even remotely enable such a structure. In this respect, the attention of the PTO is hereby directed to the revised Rule 132 Declaration enclosed herewith addressing Bhargava et al. in more detail, and addressing the comments raised in the Advisory Action dated March 13, 2006.

By way of background, it is noted that the Rule 132 Declaration is by Dr. Selvamanickam, who is widely recognized one of the world's leading scientists engaged in high temperature superconductivity (HTS) research and development, and has been widely recognized by his peers as such. He has been working on HTS since its discovery in 1987 and he received the Presidential Early Career Achievement Award from President Clinton in 1996. This award is the highest honor bestowed by the U.S. Government on outstanding scientist and engineers beginning their independent careers. He was the only award recipient among 60, who represented an U.S. industry. As a part of the award, he received a grant of \$500,000 for 5 years to conduct research on HTS in collaboration with the U.S. Air Force. Dr. Selvamanickam was named as Superconductor Industry Person of Year 2004 by Superconductor Week – the industry's most prestigious international award for leadership in the development and commercialization of superconductors. He is only one of six awardees to date. Dr. Selvamanickam has organized a number of superconductivity conferences and workshops worldwide and chaired several symposia on superconductivity. One of his papers was the most cited paper in superconductivity and the third-most cited in Physics during March-April 1990. The achievements of Dr. Selvamanickam's group of forty plus personnel at SuperPower include

being ranked # 1 two years in a row in the U.S. Department of Energy Peer review where up to 14 leading industries and national laboratories were ranked for their performance in the area of HTS wire development. Enclosed is a reprint from Superconductor Week naming Dr. Selvamanickam as Person of the Year (2004), and related press releases memorializing industry response to Dr. Selvamanickam and Dr. Selvamanickam's group at SuperPower, Inc for their work in the advancement in superconductivity.

The Rule 132 Declaration clearly explains in technical detail why Bhargava et al. do not disclose or even remotely enable a structure having a plurality of superconductive films, each of which are individually identifiable. The sol-based processing approach of Bhargava et al. results in individually identifiable films only in a precursor stage. But, as converted into superconducting material, the films form a mass of superconducting material and any film identity is destroyed during the conversion process.

For at least the foregoing reasons, Applicants submit that each of the rejections based solely or partly on Bhargava et al. is deficient and should be withdrawn.

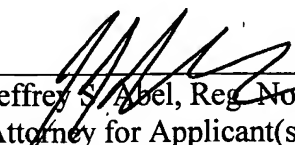
Applicants respectfully submit that the present application is now in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims.

Should the Examiner deem that any further action by the Applicants would be desirable for placing this application in even better condition for issue, the Examiner is requested to contact Applicants' undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

Date 4/18/06


Jeffrey S. Abel, Reg. No. 36,079
Attorney for Applicant(s)
LARSON NEWMAN ABEL POLANSKY &
WHITE, LLP
5914 West Courtyard Drive, Suite 200
Austin, TX 78730
(512) 439-7100 (phone)
(512) 327-5452 (fax)